

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MELINDA KORZENIEWSKI,

Plaintiff,

v.

DECISION AND ORDER
12-CV-727

NEW YORK STATE, DEPARTMENT OF
CORRECTIONS AND COMMUNITY
SUPERVISION, RONALD W. MOSCICKI AS
AIDER ABETTOR, AND HILDA ANCELET AS
AIDER AND ABETTOR,

Defendants.

This employment discrimination case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. §636(b)(1). Defendants New York State Department of Corrections and Community Supervision (“DOCCS”) and Ronald W. Moscicki (“Moscicki”) each filed motions to dismiss the amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6).¹ (Dkt. Nos. 8 and 18) On July 19, 2013, Magistrate Judge Schroeder filed a Report and Recommendation recommending that defendants’ motions to dismiss the complaint be granted and that the action be dismissed. (Dkt. No. 28)

Plaintiff filed objections to the Magistrate Judge’s Report and Recommendation. (Dkt. No. 29) Defendants filed responses to plaintiff’s

¹ On February 6, 2013, the parties filed a stipulation of dismissal dismissing defendant Hilda Ancelet from this action. (Dkt. No. 24)

objections (Dkt. Nos. 31 and 32) and the Court heard oral argument on October 2, 2013.

Pursuant to 28 U.S.C. §636(b)(1), this Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon a *de novo* review, and after reviewing the submissions from the parties and hearing oral argument, the Court hereby adopts Magistrate Judge Schroeder's recommendation to grant the motions to dismiss the complaint.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant DOCCS' and defendant Moscicki's motions to dismiss the complaint are granted and the complaint is dismissed in its entirety. The Clerk of the Court is instructed to close the case.

SO ORDERED.

s/ Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: November 22, 2013